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DEPARTMENT FOR L/CID KIZER AND L/UNA KIINGI

E.O. 12958: N/A

TAGS: [UNGA](#) [UNGA](#)

SUBJECT: ACTION REQUEST: SIXTH COMMITTEE DRAFT RESOLUTION
ON DIPLOMATIC PROTECTION

¶1. ACTION REQUEST: USUN requests instructions from the Department to join consensus on the Sixth Committee's draft resolution on Diplomatic protection (agenda item 83) contained in para 2, or substantially similar text. The texts of all draft resolutions are due in the Sixth Committee by November 9. USUN expects the Sixth Committee to take action on draft resolutions shortly thereafter. USUN point of contact for this resolution is James Donovan, (212) 415-4300, DonovanJB@state.gov. END ACTION REQUEST.

¶2. BACKGROUND/COMMENT: A change in this year's text is an operative paragraph (OP4) that calls for a Working Group of the Sixth Committee to further examine the issue of diplomatic protection. Another change is that unlike in previous years, where the issue was addressed on an annual basis, the Sixth Committee will not revisit the diplomatic protection until 2010 during the General Assembly's sixty-fifth session. END BACKGROUND/COMMENT.

¶3. Text of Draft Resolution on Diplomatic protection:

BEGIN TEXT:

Sixty-second session
Sixth Committee
Agenda Item 83

Draft Resolution

Diplomatic Protection

The General Assembly,

Having considered chapter V of the report of the International Law Commission on the work of its fifty-eighth session, which contains the draft articles on diplomatic protection,

Noting that the Commission decided to recommend to the General Assembly the elaboration of a convention on the basis of the draft articles on diplomatic protection,

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13 paragraph 1(a), of the Charter of the United Nations,

Noting that the subject of diplomatic protection is of major importance in the relations of States,

Taking into account the comments and observations of Governments and the discussion held in the Sixth Committee at the sixty-second session of the General Assembly on diplomatic protection,

¶1. Welcomes the conclusion of the work of the International

Law Commission on diplomatic protection and its adoption of the draft articles and commentary on the topic;

¶2. Expresses its appreciation to the International Law Commission for its continuing contribution to the codification and progressive development of international law;

¶3. Commends the articles on diplomatic protection, presented by the International Law Commission, the text of which is annexed to the present resolution, to the attention of Governments, and invites them to submit in writing to the Secretary-General any further comments concerning the

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recommendation by the Commission to elaborate a convention on the basis of the articles;

¶4. Decides to include in the provisional agenda of its sixty-fifth session an item entitled "Diplomatic protection" and to further examine, within the framework of a Working Group of the Sixth Committee, in light of the written comments of Governments, as well as views expressed in the debates held at the sixty-second session of the General Assembly, the question of a convention on diplomatic protection on the basis of the above mentioned articles.

Annex (Text of articles on Diplomatic Protection to be inserted)

END TEXT.
Khalilzad